



CUSTOMER NUMBER 25268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ortyn et al. Attorney Docket No. BIOL0067
Serial No.: 10/628,662 Group Art Unit: 2621
Filed: July 28, 2003 Examiner:
Title: IMAGING AND ANALYZING PARAMETERS OF SMALL MOVING
OBJECTS SUCH AS CELLS

INFORMATION DISCLOSURE STATEMENT

Bellevue, Washington 98004

November 3, 2003

TO THE COMMISSIONER FOR PATENTS:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

- ☒ 1. Copies of the listed publications, and other information are enclosed for the Examiner's use.
- ☐ 2. Copies of the listed patents, publications, and other information were previously cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. § 120.
- ☐ 3. A concise explanation of the relevance of document I.D. No. _____ (which is not in the English language), as presently understood by the individual designated under 37 C.F.R. § 1.56(c) most knowledgeable about its content, is provided _____.
- ☒ 4. Pursuant to 37 C.F.R. § 1.97(b), this information disclosure statement is being filed within three months of the filing date of the national application, within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits.
- ☐ 5. Pursuant to 37 C.F.R. § 1.97(c), this information disclosure statement is being filed after the period set forth in 37 C.F.R. § 1.97(b) but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, and is accompanied by:
- a. _____ a certification as specified in 37 C.F.R. § 1.97(e); or
- b. _____ the fee set forth in 37 C.F.R. § 1.17(p). Check No. _____ in the amount of \$ _____ is enclosed.

1 6. Pursuant to 37 C.F.R. § 1.97(d), this information disclosure statement is being filed
2 after the mailing date of either:

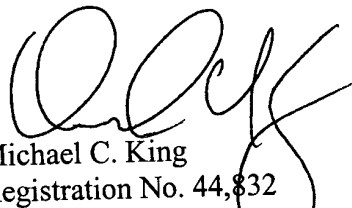
3 a. _____ a final action under 37 C.F.R. § 1.113; or

4 b. _____ a notice of allowance under 37 C.F.R. § 1.311,

5 but before payment of the issue fee. The statement is accompanied by a
6 certification as specified in 37 C.F.R. § 1.97(e), a statement requesting
7 consideration of the information disclosure statement, and the petition fee set
8 forth in 37 C.F.R. § 1.17(p). Check No. _____ in the amount of
\$____ is enclosed.

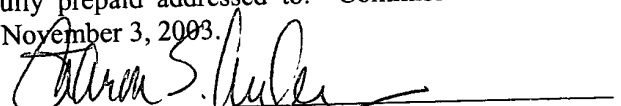
9 X 7. Please charge any additional fees or credit any overpayment to Deposit Account
10 No. 01-1940. A copy of this sheet is enclosed.

11 Respectfully submitted,

12 
13 Michael C. King
14 Registration No. 44,832
15

16 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
17 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,
18 P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 3, 2003.

19 Date: November 3, 2003





US32	6,066,459	05/23/2000	Garini et al.	435	6
US33	6,116,739	09/12/2000	Ishihara et al.	353	31
US34	6,156,465	12/05/2000	Cao et al.	430	30
US35	6,210,973	04/03/2001	Pettit	436	172
US36	6,256,096	07/03/2001	Johnson	356	335
US37	6,330,081	12/11/2001	Scholten	358	463
US38	6,381,363	04/30/2002	Murching et al.	382	164
US39	6,522,781	02/18/2003	Norikane et al.	382	203

FOREIGN PATENT DOCUMENTS

*Examiner Initial	ID	Document No.	Publication Date	Country	Class	Sub- Class	Translation?
	F1	WO 00/42412	20.07.2000	PCT	GO1N 15/02	12	NO

OTHER INFORMATION

O1	Kubota, Fumio et al. 1995. "Flow Cytometer and Imaging Device Used in Combination." <i>Cytometry</i> : 21:129-132.
O2	Kubota, F. 2003. "Analysis of red cell and platelet morphology using an imaging-combined flow cytometer." <i>Clin. Lab. Haem.</i> : 25:71-76.
O3	Ong, S.H. et al. 1985. "Development of an Image Flow Cytometer." <i>Analytical and Quantitative Cytology and Histology. XIVth International Conference on Medical and Biological Engineering and the VIIth International Conference on Medical Physics, Finland.</i> (August): 375-382.
O4	Ong, Sim Heng. 1985. Development of a System for Imaging and Classifying Biological Cells in a Flow Cytometer. Doctor of Philosophy Thesis. University of Sydney, School of Electrical Engineering. (August)
O5	Ong, S.H. and P.M. Nickolls. 1991. "Optical Design in a Flow System For Imaging Cells." <i>Sciences in Medicine</i> : 14:2:74-80.
O6	Ong, S.H. and P.M. Nickolls. 1994. "Analysis of MTF Degradation in the Imaging of Cells in a Flow System." <i>International Journal of Imaging Systems & Technology</i> : 5:243-250.
O7	Satoh, Kaneo et al. 2002. "Small Aggregates of Platelets Can Be Detected Sensitively by a Flow Cytometer Equipped With an Imaging Device: Mechanisms of Epinephrine-Induced Aggregation and Antiplatelet Effects of Beraprost." <i>Cytometry</i> : 48:194-201.
O8	Wang, Fu-sheng and Fumio Kubota. 2002. "A Novel Apoptosis Research Method With Imaging-Combined Flow Cytometer and HITC OR IR-125 Staining." <i>Cytometry</i> : 50:267-274.



O9

Wietzorrek, Joachim et al. 1999. "A New Multiparameter Flow Cytometer: Optical and Electrical Cell Analysis in Combination With Video Microscopy in Flow." *Cytometry*: 35:291-301.

Note: Only articles appearing in bold print are enclosed herewith. Other articles previously submitted with U.S. parent application no. 09/976,257.

Examiner's Signature

Date

*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

MCK/RMA:SSA
10/27/03



**INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE
PROSECUTION OF THE SUBJECT APPLICATION**

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U.S. PATENT DOCUMENTS

*Examiner Initial	ID	Document No.	Date	Name	Class	Sub- Class
	US1	2001/0006416	07/05/2001	Johnson	356	73
	US2	2002/0126275	09/12/2002	Johnson	356	317
	US3	Re. 35,868	08/11/1998	Kosaka	250	574
	US4	3,922,069	11/25/1975	Kishikawa et al.	359	633
	US5	4,770,992	09/13/1988	Van den Engh et al.	435	6
	US6	4,786,165	11/22/1988	Yamamoto et al.	356	23
	US7	5,096,807	03/17/1992	Leaback	435	6
	US8	5,141,609	08/25/1992	Sweedler et al.	356	344
	US9	5,159,397	10/27/1992	Kosaka et al.	356	73
	US10	5,159,398	10/27/1992	Maekawa et al.	356	73
	US11	5,159,642	10/27/1992	Kosaka	382	6
	US12	5,247,339	09/21/1993	Ogino	356	73
	US13	5,272,354	12/21/1993	Kosaka	250	574
	US14	5,422,712	06/06/1995	Ogino	356	73
	US15	5,444,527	08/22/1995	Kosaka	356	73
	US16	5,471,294	11/28/1995	Ogino	356	73
	US17	5,548,395	08/20/1996	Kosaka	356	73
	US18	5,596,401	01/21/1997	Kusuzawa	356	23
	US19	5,633,503	05/27/1997	Kosaka	250	458.1
	US20	5,644,388	07/01/1997	Maekawa et al.	356	73
	US21	5,674,743	10/07/1997	Ulmer	435	287.2
	US22	5,695,934	12/09/1997	Brenner	435	6
	US23	5,754,291	05/19/1998	Kain	356	344
	US24	5,760,899	06/02/1998	Eismann	356	326
	US25	5,831,723	11/03/1998	Kubota et al.	356	73
	US26	5,848,123	12/08/1998	Strommer	378	98.8
	US27	5,855,753	01/04/1999	Trau et al.	204	484
	US28	5,929,986	07/27/1999	Slater et al.	356	326
	US29	5,959,953	09/28/1999	Alon	369	44.41
	US30	6,007,994	12/28/1999	Ward et al.	435	6
	US31	6,014,468	01/11/2000	McCarthy et al.	382	254